



re Patent No.:

N/A

Patentee:

N/A

Patent Date:

N/A

Application No.:

09/030,051

Filing Date:

February 24, 1998

Direct to:

Mail Stop RECONSTRUCTION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

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### NOTICE UNDER 37 CFR 1.251 - Patent

Statement (check the appropriate box):

- ☒ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.
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- ☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

December 21, 2005  
Date

Heath J. Briggs  
Signature

HEATH J. BRIGGS  
Typed or printed name

Reg. No. 54,917

**A copy of this notice should be returned with the reply.**

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

List of Correspondence in U.S. Patent Application No.: 09/030,051  
MFB FILE NO. 41890-00980

DOCUMENT NO.	DATE	PTO PAPER NO.	DESCRIPTION
1	2/24/98		PATENT APPLICATION
2	5/26/98		FILING RECEIPT
3	5/26/98		NOTICE TO FILE MISSING PARTS
4	8/20/98		SUBMISSION OF MISSING PARTS; EXECUTED DECLARATIONS
5	8/20/98		ASSIGNMENTS TO USPTO FOR RECORDATION
6	9/8/98		CORRECTED FILING RECEIPT
7	12/14/98		RECORDED ASSIGNMENTS
8	6/1/99		OFFICE ACTION
9	9/22/99		SUBMISSION OF POWER OF ATTORNEY
10	10/28/99		RESPONSE TO OFFICE ACTION
11	11/22/99		INFORMATION DISCLOSURE STATEMENT
12	1/18/00		NOTICE OF ALLOWANCE AND ISSUE FEE DUE
13	4/18/00		ISSUE FEE TRANSMITTAL
14	4/25/00		SUBMISSION OF FORMAL DRAWINGS
15	10/19/00		RESPONSE TO RULE 312 COMMUNICATION
16	12/06/00		REQUEST FOR CONTINUED EXAMINATION; SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT; PETITION UNDER 37.C.F.R. § 1.313(C)
17	12/6/00		ISSUE NOTIFICATION
18	12/15/00	✓	PETITION IS GRANTED
19	2/19/01		CHANGE OF ATTORNEY'S ADDRESS IN APPLICATION
20	1/30/02		REQUEST FOR STATUS OF PENDING APPLICATION
21	04/21/05		SECOND REQUEST FOR STATUS OF PENDING APPLICATION

List of Correspondence in U.S. Patent Application No.: 09/030,051  
MFB FILE NO. 41890-00980

DOCUMENT NO.	DATE	PTO PAPER NO.	DESCRIPTION
22	07/01/05		AMENDMENT
23	08/01/05		ASSIGNMENT – SUPERIOR
24	08/01/05		RECORDED ASSIGNMENT
25	08/01/05		ASSIGNMENT - CABOT
26	08/01/05		RECORDED ASSIGNMENT
27	12/01/05		REQUEST FOR RECONSTRUCTION
28	12/06/05		NOTICE UNDER 37 CFR 1.251
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/030,051	02/24/1998	TOIVO T. KODAS	NAN-004-5	6878

24930 7590 12/06/2005

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MARSH FISCHMANN & BREYFOGLE LLP

EXAMINER

BRUNSMAN, DAVID M

ART UNIT

PAPER NUMBER

1755

DATE MAILED: 12/06/2005



Please find below and/or attached an Office communication concerning this application or proceeding.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --



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**NOTICE UNDER 37 CFR 1.251 - Patent**

☒ The file of the above-identified patent cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified patent pursuant to the provisions of 37 CFR 1.251.

Patentee is given a period of **SIX (6) MONTHS** from the mailing date of this notice within which to provide a copy of patentee's record (if any) of all of the correspondence between the Office and patentee for the above-identified patent (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of patentee's record of all of the correspondence between the Office and the patentee for the above-identified patent (except for U.S. patent documents), and whether patentee is aware of any correspondence between the Office and patentee for the above-identified patent that is not among patentee's records.

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Alternatively, patentee may reply to this notice by producing patentee's record (if any) of all of the correspondence between the Office and the patentee for the above-identified patent for the Office to copy (except for U.S. patent documents), and provide a statement that the papers produced by patentee are patentee's complete record of all of the correspondence between the Office and the patentee for the above-identified patent (except for U.S. patent documents), whether patentee is aware of any correspondence between the Office and the patentee for the above-identified patent that is not among patentee's records. Such records must be brought to the Customer Service Center in the Office of Initial Patent Examination (Crystal Plaza 2, 2011 South Clark Place, Arlington, VA 22202).

If patentee does not possess any record of the correspondence between the Office and the patentee for the above-identified patent (or any copy of the paper(s) listed above), patentee must reply to this notice by providing a statement that patentee does not possess any record of the correspondence between the Office and the patentee for the above-identified patent.

☒ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

*Paula Smith*  
(703) 308-5205 ext. 140

**In re Patent No.:** \_\_\_\_\_**Patentee:** \_\_\_\_\_**Patent Date:** \_\_\_\_\_**Application No.:** \_\_\_\_\_**Filing Date:** \_\_\_\_\_

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\_\_\_\_\_  
*Date*\_\_\_\_\_  
*Signature*\_\_\_\_\_  
*Typed or printed name***A copy of this notice should be returned with the reply.**

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**Engel, James**

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**From:** Watkins, Leland  
**Sent:** Thursday, May 21, 2009 3:32 PM  
**To:** Engel, James  
**Subject:** RE: 09/030051

I have the hard case. It was granted by Marianne E. Morgan. I guess it's not in the contents because the case was lost at some point. I have the petition and it gives us authorization to charge but it was never was charged.

Leland Watkins,  
HSLIE - TC1700/2900/3998  
REM. BLDG. 8C11

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**From:** Engel, James  
**Sent:** Thursday, May 21, 2009 1:54 PM  
**To:** Watkins, Leland  
**Subject:** RE: 09/030051

Leland,  
How do you know a petition to W/D from issue was ever granted in this case? I found no record of a petition decision and no record of a petition fee. If a petition to W/D from issue was filed without the petition fee, it would have been dismissed. Is the decision granting the petition in the paper file? Thanks. - Jim

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**From:** Watkins, Leland  
**Sent:** Wednesday, May 20, 2009 3:44 PM  
**To:** Engel, James  
**Subject:** 09/030051

Good Afternoon, Jerry Lorengo asked me to send you an email about this problem we are having. I have a reconstructed case in status 150 since 11/30/00. A petition was granted to withdraw from issue on 12/12/00 and to enter the RCE (12/6/00). The decision was granted after the application was patented. Is this possible? The attorneys have sent status letters and have called the SPE numerous times. If so, I would have to contact PUBs to withdraw a patented case.  
Thanks

Leland Watkins,  
HSLIE - TC1700/2900/3998  
REM. BLDG. 8C11

5/28/09